IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 32667 of 2006(L)

PETITIONER:

C.BEERAN, S/O.ABDULLA,
CHERAYAKKATT VEEDU, OLAVANNA AMSOM DESOM,
KOZHIKODE TALUK.

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

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1. OLAVANNA GRAMA PANCHAYATH,
REP.BY ITS SECRETARY, P.O.OLAVANNA,
OLAVANNA AMSOM DESOM, KOZHIKODE TALUK.

2. KALATHIL SIDDEEQUE,
S/O.MUHAMMED, P.O.OLAVANNA CHUNGAM,
OLAVANNA AMSOM DESOM, KOZHIKODE TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C)NO.32667 OF 2006

DATED THIS THE 8th DAY OF DECEMBER, 2006

JUDGMENT

Petitioner is the plaintiff in O.S.111/05. Respondents are the defendants. Petitioner earlier filed I.A.102/06, an application under Order VI Rule 17 of Code of Civil Procedure to amend the plaint. It was dismissed. Petitioner challenged that order before this Court in W.P.(c)1536/06. When the writ petition was heard, learned Counsel appearing for Petitioner prayed that he may be permitted to withdraw the writ petition with liberty to file appropriate suit claiming money and other reliefs before the appropriate court. This Court passed the following direction "That request can be granted. This writ petition is, accordingly, dismissed."

2. The case of petitioner is that pursuant to the judgment, he filed I.A.3236/06, an application under Order XXIII Rule 1 of Code of Civil Procedure to withdraw the suit with liberty to file a fresh suit, but learned Munsiff has not passed any order. Under Ext.P2 judgment in W.P.(c)1536/06, this Court permitted the prayer of the petitioner to withdraw the petition with liberty to file a fresh suit before the appropriate Court. In such circumstances, learned Munsiff is directed

to dispose Ext.P3 application expeditiously.

M.SASIDHARAN NAMBIAR,JUDGE

Acd